

REMARKS/ARGUMENTS

Applicant has amended the pending claims for clarity and consistency. No new matter has been presented.

Applicant would like to thank the Examiner for having further considered the amendment made in response to the previous Office Action. In this Final Action, the Examiner has rejected the claims in view of the Martinez (US Application 20020142792) in combination with the Moton (US Patent 7,116,977).

Applicant notes that the Examiner has chosen to rely upon a “teaching, suggestion, motivation” analysis to justify the proposed combination of references and that the current rejections under 35 U.S.C. §103(a) are based on this analysis. Accordingly, Applicant’s comments below respond in that context. Should the Examiner choose to base a further obviousness rejection upon a different analysis using these references, it would constitute a new ground for rejection not due to any action on the part of Applicant, and on which Applicant is entitled to be heard.

The following limitations

wherein the first and second notification profiles each define respective notification control options that apply to the notification of events generated by at least two different event generating and handling components on the device wherein the event generating and handling components on the device include at least two of an alarm, a calendar, email, phone and SMS

are found, appropriately worded as needed, in each pending independent claim (1, 10, and 20). The Examiner has asserted that these limitations are disclosed in Martinez at paragraphs 0008 to 0010, 0021 and 0026. Applicant has reviewed these passages and disagrees with the Examiner that the passages cited disclose the currently claimed limitations. Additionally, even assuming there is a teaching to combine Martinez and Moton as asserted by the Examiner, Applicant has been unable to find these claimed elements in Moton (US Patent 7,116,977).

To enable Applicant’s position to be more clearly understood, Applicant is listing the cited Martinez language below, with underlining emphasis added:

[0008] The invention provides a method and apparatus for the automated selection of user preference information, typically with respect to the operation of a cellular telephone. Essentially, after a selected

specified condition is sensed, an operational set of user preference information corresponding to the sensed condition is selected so as to direct the operations of the cellular telephone according to user preferences associates with the sensed condition. Examples of such user preference information include the ring tone and volume of the phone, whether or not activating the keys on the telephone key pad will be accompanied by a tone, whether call screening is active, and others, such as ring song, auto area, auto prefix, auto retry, lock dial, lock receive, calling card number, default card, phone number, key sound, access tone, minute alert, tone send, message alert, language, greeting, back light, contrast, date and time, answer options, system select, power-on lock, etc.

[0009] Thus, the method of selecting an operational set of user preference information to direct the operation of the cellular telephone includes the steps of sensing a selected specified condition, and selecting the set of user preference information corresponding to the condition, so as to direct the operation of the phone. Conditions/triggers which can be sensed include the type of day (e.g., holiday, working, vacation, weekend, etc.), the time of day, the location of the phone, the type of network (e.g., public home, public roaming, private, etc.), the phone battery condition, message newly received, type of message received (e.g., voice mail, short message, etc.), hand-free operation, etc. Typically, a table containing a plurality of specified conditions (including the selected condition) and a corresponding plurality of sets of user preference information (including the operational set of user profile information) are contained in a memory. Typically, the memory is included in the affected telephone.

[0010] The invention also includes a cellular telephone which operates to select a set of user preference information to direct the operation of the phone based on the sensed condition. The telephone includes a memory having a set of operational user information, a condition sensing module, and a comparator in electronic communication with the memory and the module.

[0021] Referring now to FIG. 1, a sample time line diagram of the operation of the invention can be seen. As described in the summary above, the invention operates in an intelligent automated fashion to select one of several sets of user preference information available to the user of a cellular telephone (10), which act to direct the internal operations of the phone (10). Depending on the condition or state of selected specified conditions or triggers, a corresponding set of user preference information will be selected. A "trigger" or "specified condition" includes, but is not limited to, electronic agenda items (e.g., working hours, non-working hours, traveling times, and dates, vacation dates, meeting hours, weekend and holiday dates, other calendared items, etc.); telephone battery conditions (e.g., battery high, battery low, etc.); public network detection (e.g., cellular telephone (10) located outside of the work or other private network environment); and private network detection (cellular telephone (10) located in the work or other private network environment). A set of cellular telephone user preference settings may include, but is not limited to: power-on lock, key pad lock, time and date, language, greeting, back light, contrast, system select, private network, public network, phone silent, ring tone, ring volume, vibrate, ear volume, key sound, access tone, minute alert, tone send, message alert, profiles, activation, screen calls, and next call type. User preference settings are typically stored in the phone and are related to phone behavior from the user perspective. They are distinguished from Subscriber Profile Information, which deals with telephone behavior from a network perspective (and which is typically stored in a Home Location Register). When sensed, the specified conditions or triggers indicate to the cellular telephone (10) that a specific set of user preference information should be selected. This occurs in an automated fashion, obviating the need for the user or subscriber to remember to change between various sets of information.

[0026] A particular operational set of user preference information corresponding to a power saving environment (160) can be activated using calendared agenda items, or some indication of battery condition, as a trigger-specified condition. That is, when the telephone battery is low, or at certain times of the day (e.g., late night hours), the cellular telephone (10) may select the operational set of user preference information corresponding to the specified condition of a low battery condition, so that the power saving operation of the cellular telephone (10) is in effect which might include no ring tone or vibration when an incoming call occurs, and no back light, for example.

The cited language from Martinez describes changing attributes of a phone application (i.e., power-on lock, key pad lock, time and date, language, greeting, back light, contrast, system select, private network, public network, phone silent, ring tone, ring volume, vibrate, etc.) as affected by Martinez' trigger conditions, the trigger conditions described as time/day, accessing a private/public network, or a battery low state.

Martinez, at the least, does not disclose the presently claimed elements of the "first and second notification profiles", where "each notification profile defines notification options that apply to the notification of events generated by at least two different event generating and handling components on the device wherein the event generating and handling components on the device include at least two of an alarm, a calendar, email, phone and SMS" (emphasis added). Martinez discloses a single event generating and handling component, which is the phone. Martinez does not describe the multi-component mobile device as presently claimed, where each of at least two notification profiles has options that apply to at least two of the different components. The notification profiles thereby control the way in which multiple events from a plurality of components are broadcast or displayed on the mobile device. Thus, Martinez does not disclose at least these limitations found in the presently claimed invention.

The elements in the pending claims work within the context of a mobile hand held device which, unlike the Martinez single component cell phone, have multiple event generating and handling components. For example, a typical hand held mobile device of the type described and claimed in the present application may have an alarm, a calendar, an email module, a cell phone and an SMS capability. Each of these different components, i.e. alarm, calendar, email, phone and SMS, are capable of generating and handling events separately from the other components, e.g. an incoming call, a meeting/event stored in a calendar or an alarm setting. Any of these multiple event generating and handling components can therefore generate an event which is to be handled by the currently applied notification profile, where each selected notification profile has settings applicable to multiple components. For example, on a mobile hand held device of the type described and claimed in the presently pending claims, the currently selected or invoked notification profile will be used upon receipt of an email, upon receipt of a phone call, or upon receipt of an SMS message. Addition events, still by way of example, may be generated when the alarm is set off or when an event or meeting stored in the calendar is about to come due. Applicant has specified that

the claimed first and second notification profiles each define respective notification control options that apply to the notification of events generated by at least two different event generating and handling components on the device. The claimed elements mean that a plurality of notifications for different components are controlled by a single profile. In other words, a single notification profile governs the notification behaviour of, for example, an alarm, a calendar, email, phone calls and voicemails, and SMS. This is relevant to a mobile hand held device where there are multiple functions beyond that of the cell phone described in Martinez.

The presently claimed technology therefore enables switching between notification profiles each of which governs the notification of events from disparate components of the mobile device. Applicant respectfully submits that at least these elements are not disclosed in Martinez, nor in Moton. *Arguendo*, even if these references are combined, at least these elements are still not present. Applicant respectfully submits that Martinez describes controlling notifications of a single component, the cell phone. These deficiencies are further not remedied by Moton.

A *prima facie* case for making claims rejections under 35 USC § 103 must include, amongst other requirements, each limitation of the rejected claims (MPEP § 2142). For at least the reasons discussed above, neither Martinez alone nor, assuming combination with Moton is proper, Martinez in combination with Moton disclose the above-discussed limitations.

Other reasons the *prima facie* case for obviousness has not been met, including but not limited to the existence of a teaching to combine Martinez and Moton, are not addressed herein in light of the arguments just presented. These other reasons are not waived and may be brought forth in future proceedings before the office if needed.

For at least the reasons just discussed, Applicant believes the presently pending claims are patentable over the cited art. Applicant respectfully requests allowance of the presently pending claims.

Respectfully submitted,

Denny CHIU et al.

By: Matthew M. Roy/
Matthew M. Roy
Registration No. 48,074
Attorney for Applicant

MMR/bm

Address: Ogilvy Renault LLP
1981 McGill College Avenue, Suite 1600
Montreal, Quebec, Canada H3A 2Y3
Tel. (613) 780-8659